

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARPENTERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA,

Plaintiff,

v.

KEITH WALKER, et al.,

Defendants.

Case No. [12-cv-01447-WHO](#)

**ORDER GRANTING IN PART AND
DENYING IN PART REQUEST TO
EXTEND TIME TO COMPLETE
DISCOVERY**

Re: Dkt. No. 44

Plaintiffs have requested an extension of time to complete discovery, over the opposition of defendants. While the plaintiffs represent in the joint letter of January 29, 2014, that they have been working diligently to complete discovery, their diligence is of recent origin. This case was filed on March 22, 2012. No excuse has been offered, either at the Case Management Conference on January 28, 2014, or in the joint letter, to explain why plaintiffs waited until December 2013 to begin seeking the information they now want to extend the discovery period for. Plaintiffs' lack of attention to discovery during the ample period allowed by the schedule set by the Court causes the Court to deny most of the additional discovery they seek.

With respect to the five categories sought by plaintiffs, the Court orders:

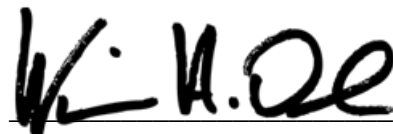
1. Mark Allen. Request denied. There is no reason that his contact information could not have been discovered and his deposition taken during the normal course of discovery.
2. James Robert Sears. Request denied. If information from All American Scaffold matters in this case, plaintiffs should have initiated discovery earlier so that follow up depositions could be scheduled within the discovery period.
3. Cristina Mejia. Defendants have agreed to provide documents on February 4, 2014, and are required to do so. The production should comply with defendants' obligations under the

Federal Rules of Civil Procedure.

4. Accounting Firm of Ireland Eckley, LLP. Plaintiffs may take the deposition of the accountant most knowledgeable about the work that firm performs for K&M Industries, given Mr. Walker's apparent lack of knowledge about basic facts concerning that company in during what was apparently a PMK deposition of K&M Industries. The scope of the accountant's deposition is limited to topics reasonably framed by the categories of questions asked of Mr. Walker in the deposition of K&M Industries, as generally identified in the joint letter. That deposition should occur as soon as practicable.
5. Comerica Bank. Defendants have agreed to the discovery deadline extension for documents subpoenaed by plaintiffs within the discovery period from Comerica Bank, and the Court so orders. No other subpoenas were served, and the request to extend the discovery period to allow service of the other subpoenas is denied.

IT IS SO ORDERED.

Dated: February 3, 2014



WILLIAM H. ORRICK
United States District Judge